

REMARKS

Claims 1 - 17 are pending in the present application and were addressed in the subject office action. Reconsideration and allowance of the claims is respectfully requested in view of the above amendments and the following remarks.

1. Rejection of Claims 7 and 14 Under 35 U.S.C. §112, second paragraph

The above-identified claims stand rejected under 35 U.S.C. §112, second paragraph, the Examiner stating that the claims are unclear regarding the recited anthracenes. For purposes of Examination, these claims were construed as if they recited the anthracene compounds in the alternative. The claims have been amended to reflect the stated construction more clearly. In addition, the Examiner states that the use of parentheses was rendering the claim unclear as to whether the parenthetical terms are part of the invention. This ground of rejection is respectfully traversed. The parentheses set off a functional group following the term "bis" which, as known in the art, indicates that a chemical grouping or radical identified in the parentheses appear twice in the molecule. Thus, the parentheses are being used in a conventional manner and would not give rise to any question about the scope of the claim as read by those of ordinary skill in the art.

2. Rejection of Claims 1, 4, 8-12, 15 and 17 Under 35 U.S.C. §102 or §103

The above-identified claims stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,597,517 to Chopdekar et al., or, in the alternative under 35 U.S.C. §103(a) as obvious over Chopdekar et al., with the assertion that the claimed production of white light is inherent in Chopdekar et al. because the composition disclosed in this reference is identical to

the one defined in the rejected claims.

In the interview between the Examiner and the Applicant's representative David Rodrigues, consisting of an exchange of telephone messages, the Examiner acknowledged that Chopdekar et al. do not show the claimed halogen derivatives of perylene compounds, but instead shows only halophenoxy derivatives, as indicated in the Interview Summary mailed January 31, 2006 in this application. Accordingly, the stated ground of rejection is respectfully traversed.

2. Rejection of Claims 5-7, 13, 14 and 16 Under 35 U.S.C. §103

The above-identified claims stand rejected under 35 U.S.C. §103 as being obvious over U.S. Patent 5,597,517 to Chopdekar et al. in view of U.S. Patent Application Publication 2003/0116759 of Park et al. ("Park '759"). Chopdekar et al. are cited as against claim 1, the Examiner acknowledging that Chopdekar et al. fail to show the anthracene fluorescer defined in the rejected claims; Park '759 is cited for disclosing the anthracene fluorescer. The Examiner asserts that it would be obvious to include the anthracene fluorescer of Park '759 in the composition of Chopdekar et al.

As mentioned above, Chopdekar et al. fail to disclose all of the elements of claim 1 because they do not disclose the perylene derivative recited in that claim. Regardless of the fluorescers disclosed, Park '759 fails to disclose a composition having the perylene derivative of claim 1 or claim 12, from which the rejected claims depend. Therefore, even if the disclosure of Park '759 is combined with that of Chopdekar et al., the result would fail to disclose all of the elements of the compositions defined in base claims 1 and 12, or in any of rejected dependent claims. A prima facie case of obviousness must result in a disclosure of

all of the elements of a rejected claim, and since the proposed combination of references would lack one of the claim elements, the stated ground of rejection is not proper and is therefore traversed.

3. Rejection of Claims 2 and 3 Under 35 U.S.C. §103

Claims 2 and 3 stand rejected under 35 U.S.C. §103 as being obvious over U.S. Patent 5,597,517 to Chopdekar et al. in view of U.S. Patent Application Publication 2003/0111649 of Park et al. ("Park '649"). Chopdekar et al. are cited as against claim 1, the Examiner acknowledging that Chopdekar et al. fail to show the specific halogenated perylenes defined in the rejected claims; Park '649 is cited for disclosing in formula 6 the recited perylenes. The Examiner asserts that it would be obvious to include the perylene of formula 6 of Park '649 in the composition of Chopdekar et al.

The stated rejection is traversed because formula 6 of Park '649 is disclosed only as a precursor for the preparation of the perylene compound of formula 2, which does not fall within the scope of the rejected claims. No other utility for the formula 6 perylene is disclosed in Park '649. Specifically, nothing in Park '649 suggests using the perylene of formula 6 in a chemiluminescent compound. Since neither of the applied references provides a motive for including the compound of formula 6 of Park '649 in the composition of Chopdekar et al., they do not properly support a prima facie case of obviousness. Accordingly, the stated ground of rejection is respectfully traversed.

If there are any additional charges with respect to this Amendment or otherwise,
please charge them to Deposit Account No. 06-1130 maintained by the applicants' attorneys.

Respectfully submitted,

CANTOR COLBURN LLP

By: 

Frederick A. Spaeth
Registration No. 33,793
Confirmation No. 5867
PTO Customer No. 23413
Cantor Colburn LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone: (860) 286-2929
Fax: (860) 286-0115

Date: February 3, 2006